

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

JUDY JIEN, et al.,

Plaintiffs,

v.

PERDUE FARMS, INC., et al.,

Defendants.

Case No. 1:19-cv-02521-SAG

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL  
OF SETTLEMENT WITH SIMMONS FOODS, INC. AND SIMMONS PREPARED  
FOODS INC., CERTIFICATION OF SETTLEMENT CLASS, AND  
APPOINTMENT OF SETTLEMENT CLASS COUNSEL**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs Judy Jien, Kieo Jibidi, Elaisa Clement, Glenda Robinson, and Emily Earnest (collectively “Plaintiffs”) hereby move for an Order granting preliminary approval of the settlement reached between Plaintiffs and Defendants Simmons Foods, Inc. and Simmons Prepared Foods, Inc. (collectively “Simmons”). The settlement terms are memorialized in a written agreement entered into by the parties on January 27, 2022 (“Settlement Agreement”).

Plaintiffs respectfully request that the Court:

- a) Grant preliminary approval of the Settlement Agreement;
- b) Certify the proposed Settlement Class;
- c) Appoint the Named Plaintiffs in this litigation—Judy Jien, Kieo Jibidi, Elaisa Clement, Glenda Robinson, and Emily Earnest—as class representatives of the Settlement Class;
- d) Appoint the law firms Handley Farah & Anderson PLLC; Cohen Milstein Sellers & Toll, PLLC; and Hagens Berman Sobol Shapiro LLP (which currently serve as Interim Co-Lead Counsel) as Settlement Class Counsel;
- e) Direct Settlement Class Counsel to submit a motion to approve a plan of notice of the Settlement Agreement at an appropriate time, *i.e.* after Defendants have produced contact information regarding Settlement Class members and prior to Plaintiffs moving for final approval of the Settlement Agreement; and
- f) Grant a stay of all proceedings in this litigation against the Released Parties (as defined in the Settlement Agreement) except as necessary to effectuate the Settlement Agreement or otherwise agreed to by the settling parties.

This motion is made on the grounds that the Settlement Agreement, which provides a \$12,000,000 (twelve million U.S. dollars) cash payment for the Settlement Class and material cooperation by Simmons in the litigation against the remaining Defendants, is fair, reasonable, and adequate, thereby satisfying the requirements of Rule 23(e) of the Federal Rules of Civil Procedure. This motion is based on the Settlement Agreement; the Memorandum in Support of Motion for Preliminary Approval of Settlement with Simmons Foods, Inc. and Simmons Prepared Foods, Inc., Certification of Settlement Class, and Appointment of Settlement Class Counsel; and the Declaration of Shana E. Scarlett (all three of which accompany this motion).

Dated: March 11, 2022

Respectfully submitted,

/s/ Shana E. Scarlett  
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/s/ Brent W. Johnson

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Dated: March 11, 2022

/s/ George F. Farah

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*Interim Co-Lead Counsel for Plaintiffs and the  
Proposed Settlement Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice to counsel for all parties that have appeared in this case.

*/s/ Shana E. Scarlett* \_\_\_\_\_